

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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**FORTY-FOURTH LEGISLATIVE DAY**  
**TUESDAY, FEBRUARY 24, 2004**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:15 a.m.

Roll call showed all members present except Senators Hill and Richardson, absent and formally excused by the Chair; and Senators Andreason, Bunderson, Burkett, Calabretta, Gannon, Malepeai, McWilliams, Noble, Noh, Schroeder, Stegner, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Teri Roderick, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Andreason, Bunderson, and Calabretta were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 23, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Burkett, Gannon, McWilliams, Noble, Schroeder, Sweet, and Werk were recorded present at this order of business.

February 24, 2004

The JUDICIARY AND RULES Committee reports that **S 1381**, **S 1382**, **S 1383**, **S 1384**, **SCR 127**, **SCR 128**, and **SCR 129** have been correctly printed.

DARRINGTON, Chairman

**S 1381** was referred to the Finance Committee.

**S 1382** was referred to the Commerce and Human Resources Committee.

**S 1383** was referred to the Health and Welfare Committee.

**S 1384** was referred to the Local Government and Taxation Committee.

**SCR 127**, **SCR 128**, and **SCR 129** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 23, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1223** was delivered to the Office of the Governor at 2:05 p.m., February 23, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 23, 2004

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 536** and **H 567** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 536** and **H 567** were filed for second reading.

February 24, 2004

The FINANCE Committee reports out **S 1381** with the recommendation that it do pass.

CAMERON, Chairman

**S 1381** was filed for second reading.

February 23, 2004

The RESOURCES AND ENVIRONMENT Committee reports out **S 1367** with the recommendation that it do pass.

NOH, Chairman

**S 1367** was filed for second reading.

February 23, 2004

The JUDICIARY AND RULES Committee reports out **S 1303**, **S 1304**, **H 586**, and **H 588** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1303, S 1304, H 586, and H 588** were filed for second reading.

February 23, 2004

The STATE AFFAIRS Committee reports out **SCR 126** with the recommendation that it do pass.

SORENSEN, Chairman

**SCR 126** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 24, 2004

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1307** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **S 1307** was referred to the Fourteenth Order of Business, General Calendar.

February 24, 2004

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 542, H 610, and H 601** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 542, H 610, and H 601** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

February 23, 2004

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Bradley T. Foltman of Boise, Idaho, was appointed Director of the Idaho Division of Financial Management to serve a term commencing October 8, 2004, and expiring at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senator Noh was recorded present at this order of business.

February 23, 2004

Mr. President:

I transmit herewith **H 720, H 585, HCR 43, H 691, HCR 39, H 602, H 616, H 684, HCR 45, H 532, H 629, HJM 20, H 715, H 649, H 661, H 670, H 570, H 618, H 619, H 622, H 638, H 571, H 642, H 643, H 644, H 668, H 693, and H 692** which have passed the House.

JUKER, Chief Clerk

**H 720, H 585, HCR 43, H 691, HCR 39, H 602, H 616, H 684, HCR 45, H 532, H 629, HJM 20, H 715, H 649, H 661, H 670, H 570, H 618, H 619, H 622, H 638, H 571, H 642, H 643, H 644, H 668, H 693, and H 692** were filed for first reading.

February 23, 2004

Mr. President:

I return herewith **S 1229 and S 1230** which have passed the House.

JUKER, Chief Clerk

**S 1229 and S 1230** were referred to the Judiciary and Rules Committee for enrolling.

February 23, 2004

Mr. President:

I return herewith Enrolled **S 1214 and S 1222** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1214 and S 1222** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

On request by Senator Schroeder, granted by unanimous consent, **SCR 125** retained its place on the calendar for two legislative days.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

Senator Malepeai was recorded present at this order of business.

**S 1385**

**BY FINANCE COMMITTEE**

**AN ACT**

APPROPRIATING MONEYS FOR THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1386**

**BY FINANCE COMMITTEE**

**AN ACT**

APPROPRIATING MONEYS FOR THE COMMISSION ON AGING FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1387**

**BY FINANCE COMMITTEE**

**AN ACT**

APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1388**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO INVERSE CONDEMNATION; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-730, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-731, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-732, IDAHO CODE, TO RESTRICT CERTAIN CLAIMS AND TO PROVIDE A TIME IN WHICH CERTAIN ACTIONS SHALL BE COMMENCED OR BE BARRED; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-733, IDAHO CODE, TO PROVIDE FOR THE FILING OF CLAIMS; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-734, IDAHO CODE, TO PROVIDE FOR THE TOLLING OF THE STATUTE OF LIMITATIONS; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-735, IDAHO CODE, TO PROVIDE FOR THE CONTENTS OF CLAIMS, TO PROVIDE FOR THE FILING OF CLAIMS BY CERTAIN RELATIVES, ATTORNEYS OR AGENTS AND TO PROVIDE FOR THE EFFECT OF INACCURACIES IN CLAIMS; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-736, IDAHO CODE, TO PROVIDE FOR THE APPROVAL, PARTIAL APPROVAL OR DENIAL OF CLAIMS; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-737, IDAHO CODE, TO PROVIDE FOR SUIT ON DENIED

CLAIMS; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-738, IDAHO CODE, TO PROVIDE FOR THE COMPROMISE AND SETTLEMENT OF CLAIMS; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-739, IDAHO CODE, TO PROVIDE FOR CERTAIN SUITS IN THE EVENT CLAIMS ARE APPROVED OR PARTIALLY APPROVED BUT NOT SETTLED; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-740, IDAHO CODE, TO PROVIDE FOR DAMAGES; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-741, IDAHO CODE, TO PROVIDE FOR THE RELATIONSHIP TO OTHER LAW; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-742, IDAHO CODE, TO PROVIDE FOR TAX LEVIES TO PAY CLAIMS OR JUDGMENTS; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-743, IDAHO CODE, TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE AND TO PROVIDE FOR APPLICATION.

**S 1389**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO THE RESIDENTIAL MORTGAGE PRACTICES ACT; AMENDING SECTION 26-3101, IDAHO CODE, TO PROVIDE THAT THE CHAPTER SHALL BE KNOWN AS THE "RESIDENTIAL MORTGAGE PRACTICES ACT"; AMENDING SECTION 26-3102, IDAHO CODE, TO REVISE AND UPDATE DEFINITIONS AND TO DEFINE "LOAN ORIGINATOR" AND "LOAN ORIGINATION ACTIVITIES"; AMENDING SECTION 26-3103, IDAHO CODE, TO REVISE EXEMPTIONS; AMENDING SECTION 26-3104, IDAHO CODE, TO REVISE PROVISIONS PROVIDING FOR UNLAWFUL ACTS AND PUNISHMENT; AMENDING SECTION 26-3105, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A GRAMMATICAL CORRECTION; AMENDING SECTION 26-3108, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO REVISE PROVISIONS APPLICABLE TO LICENSES TO DO BUSINESS AS MORTGAGE BROKERS OR MORTGAGE LENDERS; AMENDING CHAPTER 31, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-3108A, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO LICENSES TO DO BUSINESS AS LOAN ORIGINATORS; AMENDING SECTION 26-3109, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE REVOCATION OR SUSPENSION OF A LICENSE; AMENDING SECTION 26-3110, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE, TO INCREASE THE BOND AMOUNT FOR MORTGAGE BROKER AND MORTGAGE LENDER LICENSEES, TO REQUIRE THE LICENSEE TO PLACE THE BOND ON FILE WITH THE DEPARTMENT, TO PROVIDE FOR A CERTIFICATE OF DEPOSIT IN LIEU OF BOND, TO REQUIRE A BOND FOR LOAN ORIGINATOR LICENSEES AND TO PROVIDE FOR A CERTIFICATE OF DEPOSIT IN LIEU OF SUCH BOND, TO PROVIDE CLARIFYING LANGUAGE, TO REFERENCE LAWS PERTAINING TO LOAN ORIGINATION AND MORTGAGE LENDING, TO PROVIDE FOR THE ADOPTION OF RULES REQUIRING

CONTINUING EDUCATION, TO PROVIDE FOR THE FILING OF INFORMATION BY ACCREDITED SPONSORS OF CONTINUING EDUCATION PROGRAMS AND TO SET FORTH FEES FOR REVIEWS; AMENDING SECTION 26-3111, IDAHO CODE, TO SPECIFY THAT FINANCIAL RECORDS SHALL BE MAINTAINED, TO PROVIDE THAT LOAN RECORDS NEED NOT BE MAINTAINED FOR MORE THAN THREE YEARS AFTER MAKING THE FINAL ENTRY RELATING TO THE LOAN, TO PROVIDE NOTIFICATION AND RECORDS MAINTENANCE REQUIREMENTS FOR MORTGAGE BROKER AND MORTGAGE LENDER LICENSEES WHO EMPLOY OR CONTRACT WITH LOAN ORIGINATOR LICENSEES, TO INCREASE THE ANNUAL LICENSE RENEWAL FEE FOR MORTGAGE BROKER AND MORTGAGE LENDER LICENSEES, TO PROVIDE CLARIFYING LANGUAGE AND TO SET FORTH AN ANNUAL LICENSE RENEWAL FEE FOR LOAN ORIGINATOR LICENSEES; AMENDING SECTION 26-3112, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 26-3114, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO REVISE THE PROHIBITED PRACTICES OF MORTGAGE BROKER AND MORTGAGE LENDER LICENSEES; AMENDING CHAPTER 31, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-3114A, IDAHO CODE, TO SET FORTH PROHIBITED PRACTICES OF LOAN ORIGINATORS; AMENDING SECTION 26-3116, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING CHAPTER 31, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-3116A, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO INITIAL LOAN ORIGINATOR LICENSING; AND PROVIDING EFFECTIVE DATES AND A CONTINGENCY.

**S 1390**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1316A, IDAHO CODE, TO PROVIDE THAT "EXEMPT EMPLOYMENT" INCLUDES SERVICE PERFORMED FOR A MORTGAGE BROKER OR LENDER AS A LOAN ORIGINATOR IF ALL SERVICE IS PERFORMED FOR REMUNERATION SOLELY BY WAY OF COMMISSION AND TO MAKE TECHNICAL CORRECTIONS.

**S 1391**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO MECHANICS AND MATERIALMEN'S LIENS; AMENDING SECTION 45-525, IDAHO CODE, TO PROVIDE THAT THE STATUTE REQUIRING DISCLOSURES BY GENERAL CONTRACTORS TO OWNERS OR PURCHASERS OF RESIDENTIAL PROPERTY SHALL NOT APPLY TO INSTANCES IN WHICH A HOMEOWNER OR THE AGENT OF THE HOMEOWNER INITIATES THE CONTACT WITH THE GENERAL CONTRACTOR FOR PURPOSES OF PROVIDING REPAIRS NECESSARY TO MEET A BONA FIDE EMERGENCY OF THE HOMEOWNER OR TO MAKE NECESSARY REPAIRS TO AN ELECTRICAL, PLUMBING OR WATER SYSTEM OF THE HOMEOWNER; AND DECLARING AN EMERGENCY.

**S 1392**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO ALTERNATIVE TEACHER QUALIFICATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-131, IDAHO CODE, TO IMPOSE LIMITS UPON ADOPTION OF AN ALTERNATIVE TEACHER QUALIFICATION PROGRAM AND TO REQUIRE RESEARCH AND A REPORT.

**S 1393**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO THE WORKER'S COMPENSATION LAW; AMENDING SECTION 72-102, IDAHO CODE, TO REVISE THE DEFINITION FOR "COMMUNITY SERVICE WORKER"; AND DECLARING AN EMERGENCY.

**S 1394**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO THE DISMISSAL OF CRIMINAL ACTIONS; AMENDING SECTION 19-3501, IDAHO CODE, TO REVISE THE ENUMERATION OF CASES IN WHICH A COURT MUST ORDER A PROSECUTION OR INDICTMENT TO BE DISMISSED.

**S 1395**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-420F, IDAHO CODE, TO ESTABLISH AN IDAHO FREEMASON SPECIAL LICENSE PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

**S 1385, S 1386, S 1387, S 1388, S 1389, S 1390, S 1391, S 1392, S 1393, S 1394, and S 1395** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 720**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 585**, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**HCR 43**, by Business Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

**H 691**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**HCR 39**, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 602**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**H 616** and **H 684**, by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the Transportation Committee.

**HCR 45**, by Transportation and Defense Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 532** and **H 629**, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

**HJM 20**, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 715**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 649** and **H 661**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 670**, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 570**, **H 618**, **H 619**, and **H 622**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 638**, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 571**, **H 642**, **H 643**, **H 644**, and **H 668**, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 693**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 692**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1299**, **S 1316**, and **S 1318**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

**S 1323** and **S 1356**, by Education Committee, were read the second time at length and filed for third reading.

**H 521**, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

**S 1302**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 607**, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1309**, by Education Committee, was read the second time at length and filed for third reading.

**S 1372**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 509** and **H 535**, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

Senator Stegner was present at this order of business.

**S 1263** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Richardson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1263** passed, title was approved, and the bill ordered transmitted to the House.

**S 1240** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Ingram, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Sorensen, Stegner, Stennett, Werk. Total - 25.

NAYS--Davis, Kennedy, Noh, Pearce, Schroeder, Sweet, Williams. Total - 7.

Absent and excused--Brandt, Hill, Richardson. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1240** passed, title was approved, and the bill ordered transmitted to the House.

**S 1241** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Richardson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1241** passed, title was approved, and the bill ordered transmitted to the House.

**S 1242** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noble arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Richardson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1242** passed, title was approved, and the bill ordered transmitted to the House.

**S 1256** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Richardson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1256** passed, title was approved, and the bill ordered transmitted to the House.

**S 1257** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noble arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Richardson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1257** passed, title was approved, and the bill ordered transmitted to the House.

**S 1258** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Richardson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1258** passed, title was approved, and the bill ordered transmitted to the House.

The President Pro Tempore called Senator Bailey to the Chair.

**S 1259** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Richardson. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1259** passed, title was approved, and the bill ordered transmitted to the House.

**S 1295** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Sweet, Williams. Total - 25.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Bunderson, Hill, Richardson. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1295** passed, title was approved, and the bill ordered transmitted to the House.

The President Pro Tempore returned to the Chair.

Having voted on the prevailing side by which **S 1240** passed the Senate, Senator Calabretta served notice that she may on the next legislative day move for reconsideration of the vote.

**S 1240** was ordered held at the Secretary's desk.

**S 1296** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Hill, Richardson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1296** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Ingram, granted by unanimous consent, **S 1269** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 9:30 a.m., Wednesday, February 24, 2004.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary